



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5654 of 2025

Maruthu

... Petitioner/ A5

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vikkiramangalam Police Station,
Madurai District.
Crime No.190/2024

... Respondent/Complainant

For Petitioner : Mr.S.Mahendra Pathy
Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :-

For Bail in Crime No.190 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



WEB COPY

2. The petitioner/Accused No.5 was arrested and remanded to judicial custody on 19.12.2024 for the alleged offence punishable under Section 103(1) of BNS, 2023 in Crime No.190 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 10.12.2024, at about 8.00 p.m., while the deceased and the accused persons were consuming alcohol at a wine shop near Malaiyur Undangal, a wordy quarrel arose between them. The bar employees intervened and pacified the situation. Thereafter, when the deceased came near the canal, Accused No.1 assaulted him with beer bottles on the head. When the deceased tried to escape from the place, he fell into the canal. Subsequently, all the accused persons chased him and attacked him with stones and an iron rod. The allegation against the petitioner is that he caught hold of the hands of the deceased, and Accused No.1 again assaulted the deceased with an iron rod on his head, thereby causing his death. Hence, the case.

4. Mr.S.Mahendra Pathy, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submits that this is the second bail petition and that the earlier petition filed by the petitioner was dismissed by this Court vide order dated 25.02.2025 in CrI.O.P(MD).No.3485 of 2025. He further submits that the petitioner has been in judicial custody since



WEB COPY

19.12.2024, i.e., for more than 90 days. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation in this case has already been completed, and the charge sheet was filed before the learned Judicial Magistrate No.II, Usilampatti, and the same was taken on file in PRC.No.12 of 2025. He further submits that there is no previous case pending against the petitioner. However, he submits that if the petitioner is enlarged on bail, he may abscond, delay the investigation, and also cause threat to the defacto complainant and the family members of the deceased. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested and remanded to judicial custody on 19.12.2024, and he has been in judicial custody for more than 90 days. In view of the subsequent development, i.e., the investigation has been completed and the charge sheet has been filed, which was taken on file by the learned Judicial Magistrate No.II, Usilampatti, in PRC No. 12 of 2025, and considering the period of incarceration, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation



WEB COPY

Agency in this case. Further, the petitioner has a permanent residence, and therefore, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

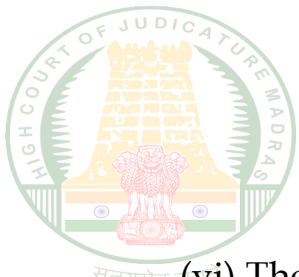
(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.II, Usilampatti shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Usilampatti;

(iv) The petitioner shall report before the learned Judicial Magistrate No.II, Usilampatti on all working days at 10.30 am until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;



WEB COPY

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioner shall not directly or indirectly any threat to the family members of the deceased and witnesses; and

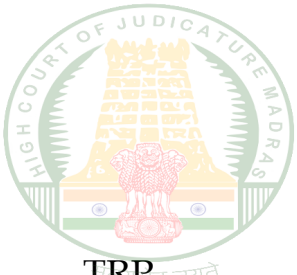
(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Usilampatti is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
26/03/2025

/ TRUE COPY /

26/03/2025
Sub-Assistant Registrar (Vigilance)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TRP
TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE,
VIKKIRAMANGALAM POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5654 of 2025
Date :26/03/2025

NBF/ SAR/ (26/03/2025) 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023